

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA,)
)
v.) Case No. CR407-121
)
AMOS GREEN, JR.,)
)
Defendant.)

REPORT AND RECOMMENDATION

The Court previously found that the defendant was not competent to stand trial and committed him to the custody of the Attorney General for mental health treatment in an effort to restore his competency. (Doc. 21.) After several months of treatment, the clinical psychologist and psychiatrist charged with evaluating defendant's mental health have determined that though he continues to suffer from mild mental retardation, his condition does not preclude him from standing trial. Specifically, the report of forensic evaluation prepared by the Butner staff concluded that defendant "has a rational and factual understanding of the charges and proceedings against him and is able to assist in his defense if he so chooses." (Doc. 22 at

16.) In compliance with 18 U.S.C. § 4241(e), the Warden of the federal medical complex where defendant has been hospitalized has issued a Certificate of Restoration of Competency to Stand Trial. (Doc. 22 at 3.)

At a hearing conducted on October 28, 2008, neither party contested the findings or conclusions of the examining psychologist and psychiatrist. Counsel for the defendant, Clay Ratterree, expressly indicated that he believed his client to be competent.¹ Accordingly, the Court recommends that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

SO REPORTED AND RECOMMENDED this 29th day of October, 2008.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ During the hearing, defendant expressed considerable concern about a preliminary hearing transcript from the parallel state criminal proceedings that defense counsel had not yet secured. After listening to defendant's somewhat disjointed explanation regarding the state transcript, counsel stated as an aside that he was not so sure that defendant was able to testify at his trial. Despite this comment, counsel did not retract his earlier admission that defendant is able to understand the nature of the proceedings against him and assist properly in the preparation of his defense. The Court recognizes that defendant may not be the most eloquent witness, but that does not mean that he is not competent to stand trial.